

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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Zalton E. Brooks,

Plaintiff,

v.

Topaz Super Carwash; Bruno Bernada,

Defendants.

Case No. 2:23-cv-02060-APG-DJA

Order

Before the Court is Plaintiff Zalton E. Brooks' motion for status check (ECF No. 16), motion for case status update (ECF No. 17), request for status check (ECF No. 20), and motion to extend time for service (ECF No. 21). In his motions, Plaintiff informs the Court of his new address and asks for an update regarding service of the complaint in his case, explaining that during his transfer from one prison to another, he was not able to bring his legal documents. Plaintiff did, however, receive the notice of intent to dismiss entered by the Clerk's office (ECF No. 18), and requests additional time for service, explaining that he is incarcerated and believed he had completed the necessary documents for service. (ECF No. 21).

The Court grants in part and denies in part Plaintiff's motion for status check (ECF No. 16), motion for case status update (ECF No. 17), and request for status check (ECF No. 20). To the extent that Plaintiff asks the Court to update his address, the Court has already done so, so Plaintiff's request is moot and the Court denies it for that reason. The Court grants Plaintiff's requests for an update in his case. The Court will send Plaintiff a copy of the docket sheet so that he may see the status of his case. It will also send him a copy of the summonses which were returned unexecuted as to Topaz Super Carwash and Bruno Bernada. While the Court typically cannot provide free copies even to indigent plaintiffs proceeding *in forma pauperis*, the Court will send Plaintiff these documents as a courtesy. *See Jackson v. Philson*, No. 3:20-cv-00009-GMN-CLB, 2020 WL 9888358, at *1 (D. Nev. Sept. 28, 2020).

1 The Court also grants Plaintiff's motion to extend time for service and will enter an order
2 directing service. Under Federal Rule of Civil Procedure 4(m), if a plaintiff shows good cause for
3 the failure to serve a defendant within the specified time, the Court must extend the time for
4 service for an appropriate period. Here, Plaintiff has shown good cause for his failure to serve
5 defendants before the December 20, 2024, deadline. Although it is unclear when Plaintiff was
6 transferred to the new facility where he now resides, it appears that his transfer occurred before
7 the December 20, 2024, deadline given his notice of change of address. So, while the summonses
8 returned unexecuted were entered on the docket on October 21, 2024, it is not clear if Plaintiff
9 received them.

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11 **IT IS THEREFORE ORDERED** that Plaintiff's motions for status check (ECF No. 16),
12 for case status update (ECF No. 17), and for status check (ECF No. 20), are **granted in part and**
13 **denied in part**. They are granted in part regarding Plaintiff's request for an update in his case.
14 They are denied in part as moot regarding Plaintiff's request that the Court update his address,
15 because the Court has already done so.

16 **IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to send the
17 following to Plaintiff related to his case update request:

- 18 • A copy of the docket sheet.
- 19 • A copy of the summons returned unexecuted filed at ECF No. 14.

20 **IT IS FURTHER ORDERED** that Plaintiff's motion to extend the deadline for service
21 (ECF No. 21) is **granted**. Plaintiff shall have until **June 19, 2025**, to accomplish service.

22 **IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to send the
23 following to the United States Marshal Service ("USMS") for service:

- 24 • Two copies of Plaintiff's second amended complaint filed at ECF No. 11
 - 25 • The summonses issued to Topaz Super Carwash and Bruno Bernada filed at ECF
26 No. 13.
 - 27 • A copy of this order.
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1 **IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to send the
2 following to Plaintiff related to service:

- 3 • A copy of this order.
4 • Two copies of the Form USM-285.

5 **IT IS FURTHER ORDERED** that Plaintiff must complete one Form USM-285 for each
6 Defendant. Plaintiff shall have until **April 21, 2025**, to send the USMS the completed Forms
7 USM-285.

8 **IT IS FURTHER ORDERED** that, upon receipt of Plaintiff's Forms USM-285, the
9 USMS shall attempt service on Topaz Super Carwash and Bruno Bernada.

10 **IT IS FURTHER ORDERED** that, within twenty-one days after receiving a copy of the
11 Forms USM-285 back from the USMS showing whether service has been accomplished, Plaintiff
12 must file a notice with the Court identifying the unserved defendant and specifying a more
13 detailed name and/or address for said defendant or whether some other manner of service should
14 be attempted.

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16 DATED: March 21, 2025

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19 DANIEL J. ALBREGTS
20 UNITED STATES MAGISTRATE JUDGE
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